

REMARKS

The present amendment is submitted in response to the Office Action dated October 6, 2006, which set a three-month period for response, making this amendment due by January 6, 2007.

Claims 1-10 are pending in this application.

In the Office Action, the Information Disclosure Statement filed September 21, 2005 was objected to as failing to comply with 37 CFR 1.98(a)(3) for not including a concise explanation of the relevance of Swiss document 692,488. The drawings and specification were objected to for various informalities. Claims 1-8 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,099,160 to Stroeze et al. Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Stroeze et al.

It is noted that the Examiner has not considered the Swiss Document filed with an Information Disclosure Statement. However, a translation was filed together with the Information Disclosure Statement which appears to have become separated from the file. Another copy of the translation is submitted herewith. It is requested that the Swiss Document now be considered.

Submitted herewith are substitute drawing sheets containing Figs. 1-7, which replace previous Figs. 1-7. The figures have been amended to add reference numeral 16 and to designate Figs. 2 and 3 as "Prior Art".

With regard to the objection that reference numeral 20 is used to designate two different types of nozzles in Fig. 1 and 4-5, the Applicants respectfully submit that such designation does not require correction, since all instances of reference numeral 20 in the drawings designate intake nozzles.

With regard to reference numeral 14, this numeral is disclosed beginning on page 6, line 13, of the specification as designating a “face end 14 of the housing 10”.

The specification was amended to add headings and to delete reference to the claims.

To more clearly define the present invention over the cited references, claim 1 has been amended to recite the following:

1. An electric power tool, having an electric motor located in a housing (10), and having a cooling device (16, 18, 20, 30, 32), wherein the cooling device (16, 18, 20, 30, 32) comprises at least one intake nozzle (20), wherein said at least one intake nozzle (20) is mounted in an outer wall of the housing (10), wherein the cooling device further comprises a cooling conduit (30) which is adjacent to the at least one intake nozzle (20) and is closed off from an interior of the housing (10), wherein cooling air reaches the cooling conduit (30) directly and unhindered in an operating mode.

The feature that “the cooling device comprises at least one intake nozzle” is disclosed in Figs. 4-7. The arrangement of the intake nozzles 20 in an outer

wall of the housing also is shown in Figs. 4-7 and disclosed in the specification on page 3, lines 20-22. The structure of the cooling device and that it has a cooling channel 30, which is adjacent to the at least one intake nozzle 20 is shown in Figs. 4-7 and disclosed on page 3, line 5, of the specification. The feature that the cooling channel 30 is closed off from an interior of the housing also is shown in the figures. The limitation that cooling air reaches the cooling conduit directly and unhindered in an operating mode can be found in the specification on page 3, lines 9-10.

New claim 11 has been added, which defines that at least two air inlet openings of different design are provided. Support for this feature can be found in Figs. 4-7 and in the specification on page 4, lines 6-9.

The Applicants respectfully submit that the claims define a patentably distinct feature that is not disclosed or made obvious by the cited reference to Stroeze.

Stroeze shows a driven hand guided machine, namely, an angle grinder 10, which has ventilation slots 30 on the front side. A inflowing, cooling air flow 32 moves through the ventilation slots 30 into the interior of the angle grinder 10 and flows there into the ventilation channels 34 of the stator 27 (see Stroeze, drawing as well as column 2, line 66 through column 3, line 6).

In contrast, the present application discloses an electric power tool, in particular, an angle grinder, with a cooling device 16, 18, 20, 30, 32, which has at least one intake nozzle 20, which is arranged in an outer wall of the housing 10, and which further has a cooling channel 30, which is adjacent to the intake

nozzle and which is closed off from an interior of the housing 10, so that cooling air can move directly and unhindered into the cooling channel during operation. With the angle grinder of Stroezel, as can be seen from Fig. 1, the air flow 32 moves in a general direction to the stator 27. However, no direct supply of air from the ventilation slots 30 to the ventilation channels 34 takes place and certainly, not via a cooling channel disposed adjacent to the ventilation slots 30, which is closed off from an interior of the housing.

Because amended claim 1 defines features that are not disclosed in Stroezel, the rejection under Section 102 must be withdrawn. The Applicants furthermore respectfully submit that Stroezel is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference”, and that “the identical invention must be shown in as complete detail as is contained in the ... claim”.

The Applicants submit further that Stroezel does not render obvious the subject matter of the claims. Again, Stroezel describes an angle grinder, in which ventilation slots 30 are arranged on a back face (see Stroezel, Fig. 1 as well as column 2, line 66 through column 3, line 6). It can be seen from the figure, especially from the arrows, which symbolize the path of the air flow 32, that the air flow 32, which enters through the ventilation slots 30 into the angle grinder 10, is exposed to impingement of turbulence on interior components and

therefore, can only move inadequately into the cooling channels 34 of the stator 27. Thus, cooling of the electric motor 14 can take place only moderately.

In contrast, the subject matter of the present invention as defined in amended claim 1 contemplates a cooling device 16, 18, 20, 30, 32, which has at least one intake nozzle 20, which is arranged in an outer wall of the housing 10 and which is adjacent to the intake nozzle 20 and which is closed off from an interior of the housing 10, so that cooling air moves directly and unhindered into the cooling channel 30 during operation. By this direction supply of cooling air, a high flow speed and a high volume flow rate can be achieved, in addition to a greater cooling power, since turbulence, which can occur by impingement of the cooling air on internal components, can be reduced (see specification, page 2, lines 6-9).

Because Stroeze also fails to suggest all of the features of claim 9, in combination with claim 1, the rejection under Section 103 also must be withdrawn. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01.

For the reasons set forth above, the Applicants respectfully submit that claims 1-11 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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